

Amendment No. 8 to HB3067

McMillan
Signature of Sponsor

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Time _____

Clerk _____

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AMEND Senate Bill No. 2738*

House Bill No. 3067

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-10-302(d), is amended by adding the following language at the end of the subsection:

If the registry determines that a candidate has exceeded the limits set forth in subdivision (1) or (2), the registry shall notify the candidate within five (5) business days of such fact and the candidate shall have ten (10) business days after the receipt of such notification to return or refund the excess to the person(s) who made the contribution(s) before the acceptance of such contribution(s) becomes a violation of this part.

SECTION 2. Tennessee Code Annotated, Section 2-10-102(6), is amended by deleting the subdivision in its entirety, and by substituting instead the following language:

(6) "File" or "filed" means the date actually deposited with or received by the appropriate office.

SECTION 3. Tennessee Code Annotated, Title 2, Chapter 10, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section _____. To be timely filed a disclosure report must be filed with the appropriate office on the due date by hand-delivery, overnight mail postmarked the day before the report is due, facsimile, or electronically in a form approved by the registry or county election commission as appropriate. If a report is filed with the registry or county election commission by facsimile or electronically the original report must be placed in the mail and postmarked on the date the report is due.

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SECTION 4. Tennessee Code Annotated, Section 2-10-110, is amended as follows:

(1) in subsection (a)(1)(A) by deleting the second sentence in its entirety and by substituting instead the following language:

A civil penalty of twenty-five dollars (\$25.00) a day shall begin to accrue on the day following the date the report is due and will continue to accrue until the report is filed or for thirty (30) days, whichever occurs first.

(2) in subsection (a)(1)(E) by deleting the second sentence in its entirety and by substituting instead the following language:

A civil penalty of twenty-five dollars (\$25.00) a day shall begin to accrue on the day following the date the report is due and will continue to accrue until the report is filed or for thirty (30) days, whichever occurs first.

(3) in subsection (a)(2) by deleting the first sentence in its entirety and by substituting instead the following language:

"Class 2 offense" means failing to file a report required by this part within thirty (30) days following the date the report is due or any other violation of the requirements of this part.

SECTION 5. Tennessee Code Annotated, Section 8-50-505 is amended by deleting the language ", by Acts 1989, Ch. 585".

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SECTION 6. Tennessee Code Annotated, Title 2, Chapter 10, is amended by adding the following sections as a new part.

SECTION ___. This part shall be known and may be cited as the "Governor's Inauguration Finance Disclosure Act."

SECTION ___. No later than thirty (30) days after being elected to the office of governor, the governor-elect shall establish a governor's inauguration expense fund which shall be used to finance any event or events held for the purpose of celebrating the governor's inauguration. Such fund is subject to the contribution limits and reporting requirements provided in this part.

SECTION ___. (a) No person shall make contributions for the governor's inauguration which, in the aggregate exceed two thousand five hundred dollars (\$2,500).

(b) No multicandidate political campaign committee shall make contributions for the governor's inauguration which, in the aggregate, exceed seven thousand five hundred dollars (\$7,500).

(c) The governor-elect may transfer funds from such governor-elect's campaign fund to the inauguration fund.

SECTION ___. (a) The governor-elect shall file with the registry of election finance a statement of all contributions received and all expenditures made by or on behalf of such governor-elect's inauguration fund.

(b) A statement filed under this section shall consist of either:

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(1) A statement that neither the contributions received nor the expenditures made during the period for which the statement is submitted exceeded one thousand dollars (\$1,000) or

(2) A statement setting forth:

(A) Under contributions, a list of all the contributions received, as follows:

(i) The statement shall list the full name and complete address of each person who contributed a total amount of more than five hundred dollars (\$500) during the period for which the statement is submitted, and the amount contributed by that person. The statement shall include the date of the receipt of each contribution; and

(ii) The statement shall list as a single item the total amount of contributions of five hundred dollars (\$500) or less; and

(B) Under expenditures, a list of all expenditures made as follows:

(i) The statement shall list the full name and address of each person to whom a total amount of more than five hundred dollars (\$500) was paid during the period for which the statement is submitted, the total amount paid to that person, and the purpose thereof; and

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(ii) The statement shall list the total amount of expenditures of five hundred dollars (\$500) or less each, by category, without showing the exact amount of or vouching for each such expenditure.

(c) The financial disclosure statement for contributions made up until thirty (30) days before any inauguration event shall be filed no later than ten (10) days before the governor's inauguration. The financial disclosure statement for all other contributions shall be filed no later than (30) days after the governor's inauguration.

SECTION __. (a) The governor-elect may hold over funds from such governor-elect's first inauguration to be used in a second inauguration if such governor-elect is re-elected. If such governor-elect is in a second term, chooses not to run for re-election or is not re-elected, such governor-elect has ninety (90) days to donate any funds remaining in the governor's inauguration fund to a non-profit organization. The governor-elect may request an extension of an additional sixty (60) days from the registry of election finance to donate such remaining funds.

(b) Once the funds have been donated as provided subsection (a), a financial disclosure statement shall be filed with the registry of election finance disclosing who received such funds and the amount of such donation.

SECTION 7. Tennessee Code Annotated, Section 2-10-303(5), is amended by adding the following language after the first sentence:

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It is an expenditure within the meaning of this subdivision where the candidate or the candidate's committee or agent may exercise control over, or where there has been substantial discussion or negotiation between the candidate or the candidate's committee or agent and the person making the expenditure over, a communication's contents, timing, location, mode, intended audience or volume.

SECTION 8. Tennessee Code Annotated, Section 2-10-105, is amended by adding the following language as a new subsection (j):

(j) If a person makes a purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value for a communication, except those communications exempt under §2-10-102(3)(B), (C) or (D), that refers to one or more clearly identified candidates for state public office by name, picture, likeness, or otherwise, and such communication is transmitted through radio, television, billboard, newspaper, magazine or other periodical, or any other medium within sixty (60) days of the date of an election, then, if the total disbursements or obligations of such person for such communication related to any particular candidate for state public office exceeds two hundred fifty dollars (\$250) at any time within such sixty (60) days, such person shall file a statement with the registry of election finance disclosing all receipts and disbursements made related to such communication within three (3) days of such date and otherwise on the dates set forth in this section for reports by candidates, except that the deadlines contained in subsection (h) shall apply to any disbursements

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by the person in excess of twenty five hundred (\$2,500). Reports filed pursuant to this subsection shall contain the information described in subsection (h) or in Section 2-10-107, as appropriate.

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.